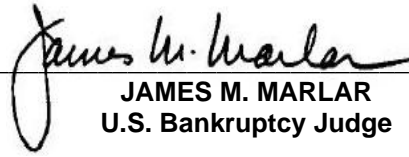


SIGNED.



Dated: June 05, 2009

  
JAMES M. MARLAR  
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

In re:	)	Chapter 11
AWD RANCH, LLC,	)	No. 2:09-bk-06384-JMM
Debtor.	)	No. 2:09-bk-06392-JMM
	)	(Substantively Consolidated)
In re:	)	Adversary No. 2:09-ap-00607-JMM
DESERT PLANT CONSERVANCY, LLC,	)	<b>MEMORANDUM DECISION</b>
Debtor.	)	
AWD RANCH, LLC and DESERT PLANT CONSERVANCY, LLC,	)	
Plaintiffs,	)	
vs.	)	
CLAY PARSONS; JOE PARSONS; JOE PARSONS JR.; PARSONS CO., INC.; GARY WALKER; R.W. WALKER; EVE WALKER; ALBERT YENDES; JOHN DOES I-X; BLACK CORPORATIONS I-X;	)	
Defendants.	)	

On June 4, 2009, the Debtors sought approval of special counsel for this adversary case, which was filed on June 3, 2009. At the time of the filing, attorney Kevin Bumstead had not been appointed special counsel for said purpose.

1 A review of the adversary proceeding reflects that, factually, it describes matters  
2 which occurred between the Debtors and these same parties in the pending Pinal County Superior  
3 Court case before these bankruptcy cases were filed (April 1, 2009).

4 This court has lifted the stays in order to allow the Pinal County Superior Court case  
5 to continue to judgment (DN 58, Administrative Case No. 09-6384). In that litigation, if these  
6 Debtors believe they need to seek permission to amend their answers, add counterclaims, or  
7 otherwise supplement their existing pleadings under the Arizona Rules of Civil Procedure, they may  
8 file those motions in the state court litigation, and the Superior Court judge, applying the law and  
9 exercising the discretion entrusted to that court, will rule thereon. All the legal theories are equally  
10 viable under state law theories, and need not be brought in this bankruptcy case. The Debtors are  
11 again reminded that the purpose of chapter 11 is to reorganize, and is not a forum to continue to  
12 litigate or otherwise unnecessarily complicate, pending disputes.

13 As for the federal RICO cause of action, that matter may be tried in Pinal County  
14 Superior Court, because to the extent a private right of action exists, concurrent jurisdiction is  
15 granted to the state court. Thus, as a matter of comity, this court will let the state court action  
16 proceed to judgment. 18 U.S.C. § 1964(c); *Lou v. Belzberg*, 834 F.2d 730, 735 (9th Cir. 1987) state  
17 and federal courts have concurrent jurisdiction under civil RICO statute).

18 Therefore, because (1) counsel who filed the action was not authorized bankruptcy  
19 counsel; (2) the matters dealt with in the complaint can be dealt with as part of the Pinal County  
20 Superior Court action; and (3) because of the concurrent subject matter state court jurisdiction as to  
21 the RICO count, a separate order will be entered which DISMISSES this adversary proceeding.

22  
23 DATED AND SIGNED ABOVE.  
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25  
26  
27  
28

1 COPIES served as indicated below on the  
2 date signed above:

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15  
16 By /s/ M.B. Thompson  
Judicial Assistant